

Hand-Delivered

UNITED STATES DISTRICT COURT

FILED
CHARLOTTE, NC

FOR THE

FEB 26 2024

WESTERN DISTRICT COURT OF NORTH CAROLINA
US DISTRICT COURT
WESTERN DISTRICT OF NC

JAMAAL GITTENS

Petitioner,

Vs.

DEPARTMENT OF MOTOR VEHICLES

JACKIE MITCHELL

Defendant

**PETITION AND COMPLAINT SUIT FOR DEPRIVATION OF FEDERALLY PROTECTED
RIGHTS 18 U.S CODE 242 42 USC 1983, CONSPIRACY AGAINST RIGHTS 18 U.S.C 241.**

ARGUMENT

I received notice of suspension from NC Department of motor vehicle stating that my license will be suspended 01/30/24 for failure to comply with an out of state citation ,I was informed to contact DMVSC Motor vehicles division, I called them, spoke with agent Estes 8069; there wasn't any record of a noncompliance in there system. I had written NC Department of Motor vehicles, Informed them there weren't any violations in DMVSC database. In 2014 DMVNC suspended my license claiming a noncompliance in SC; they were incorrect, license had to be reinstated. February 20, 2024 I got pulled over by a state trooper in SC, commercial vehicle; The officer told me my license was suspended, I called NC Department of motor vehicle, the agent said it was suspended for a failure to comply with an out of state citation in SC, next, I called DMVSC Motor vehicles Division, spoke with agent Denise, there wasn't anything restrictions showing. The state trooper officer white, found no violations is his data base.

I went to SC Department of motor vehicle to retrieve a three year motor vehicles report, my license is active, I have no issues the state of South Carolina, The DMV agent did a thorough record search February 21, 2024 I called NC Department of motor vehicle again, spoke with Valerie from the adjudication Unit; I asked for the fax, so I can send over the certified copy of the motor vehicles report, that demonstrates there's no compliance issues in SC, she refused to accept it, said she needed conformation from SC to remove the non compliance. February 23 2024 I emailed Jackie Mitchell, "States Record coordinator" to have my have my license restored, she said its currently showing fines owed in south Carolina, I need to contact them. I told her to check National Drivers Registry (NDR) which a data base that shows violations, suspensions from others states, she did, and acknowledge that there weren't any issues showing in South Carolina, but still refused to reinstate my driver's license

The reasons for the conspiracy to deny me due process under a color of law is unknown The Fourteenth Amendments forbids being deprived of life, liberty, property, without due process of law. The Supreme Court made it clear that a person interest in his driver's license is "property", the state may not take away without satisfying the requirements of the due process guarantee of the fourteenth amendment Dixon v Love 431 U.S 105(1977) Violation of fourteenth Amendment rights creates a state action Lugar v Edmondson Oil Co 457 U.S 922 (1982) United States v Price 383 U.S 787(1966)

Attached is a certified copy of the MVR I retrieved from South Carolinas DMV, there's isn't any non compliances, judgments, full faith of credit must apply The United States Supreme court ruled Government, state entities are "persons" subject to suit when deprivation of rights is routine and habit Montell v Department of social service 436 U.S 658 (1978)

This is the second time North Carolina Department of Motor vehicles suspended my licenses claiming fees owed to South Carolina, these proceedings are habit routine February 20, 2024 my Employer let me go due to a suspended license, which denied me the means to provide for my family. For the unnecessary emotional distress I'm dealing with, I'm seeking \$500,000 in punitive damages, and restoration of driver privileges

Type or printed notary name

Seal

- Place Notary Signature Above -

My commission expires

Date

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